

Notice of Allowability

Application No.

10/606,881

Examiner

Satya B Sastri

Applicant(s)

ORIAKHI, CHRISTOPHER

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 1/31/05.
2. ☒ The allowed claim(s) is/are 5-7 and 53-73.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

re

EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed January 31, 2005 and the rejections are withdrawn. ***Claims 5-7, 13-44, 53-73*** are now pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Nichols on March 23, 2005 and authorization to cancel the withdrawn claims was given by Mr. Bradley Hammond on March 4, 2005.

The application has been amended as follows:

Claims 13-44 are cancelled.

In ***claim 5***, line 2 after citric acid, add "and an inorganic acid including a phosphate ion;"

In ***claim 5***, line 3, replace "polyacid;" by "polymer containing acid groups;"

In ***claim 6***, line 2, replace "polyacid;" by "polymer containing acid groups;"

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In *claim 7*, line 2, replace “an organic acid and/or inorganic acid including a phosphate ion;” by “an organic acid including citric acid and an inorganic acid including a phosphate ion;”

In *claim 7*, line 3, replace “polyacid;” by “polymer containing acid groups;”

In *claim 58*, line 2, replace “polyacid” by “polymer containing acid groups”

In *claim 65*, line 2, replace “polyacid” by “polymer containing acid groups”

In *claim 71*, replace “claim 50” with “claim 70”.

In *claim 72*, line 1, replace “polyacid” by “polymer containing acid groups”

Reasons For Allowance

3. *Claims 5-7, 53-73* are allowed.

The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Chen et al. (US 6,274,661 B1) and Taylor et al. (US 6,734,237 B1).

The present claims are directed to a binder composition comprising an acid that comprises citric acid and a phosphate ion, a polyacid and an aqueous solvent (claim 5), a binder composition comprising an organic acid, a polyacid and an aqueous solvent wherein said organic acid is phytic acid (claim 6) and a binder composition comprising an acid including citric acid and a phosphate ion, a polyacid, an aqueous solvent and a colorant wherein said colorant comprises a pigment suspended as particles in said composition and a dye dissolved in said composition (claim 7).

The prior art to Chen et al. discloses fiber glass binders based on polycarboxy polymer. The polycarboxy polymers may further include, as catalyst, an alkali metal salt of a phosphorous-containing organic acid, particularly alkali metal salts of phosphoric acid, polyphosphoric acid and hypophosphorous acid. The binder compositions comprise alcohols such as glycerol, ethylene glycol, propane diol etc. Water may be present up to about 95% by weight of the binder. The binders may further include additives such as dyes, fillers and other conventional adjuvants and has a pH in the range of 2.5-5.

Taylor et al. disclose fiberglass binder composition comprising a polycarboxy polymer, polyol and an imidazoline. The binder also comprises a catalyst which is an alkali metal salt of a phosphorous-containing organic acid. Polycarboxy polymers comprise homopolymers and copolymers of polyacrylic acid. The pH of the binder resin may be at most 4.5. The aqueous binder resin may further include emulsifiers, colorants etc.

However, neither prior art specifically teaches or suggests binder compositions comprising polymer containing acid groups, water and phytic acid or binder compositions comprising polymer containing acid groups, water and a combination of an organic acid comprising citric acid and an inorganic acid including a phosphate ion. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

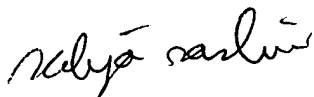
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Future Correspondence

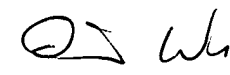
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SATYA SASTRI

March 23, 2005


DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700